

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JEANES-KEMP, LLC

PLAINTIFF

VS.

CIVIL ACTION NO. 1:09-cv-723(DCB)(JMR)

JOHNSON CONTROLS, INC.

DEFENDANT

ORDER

This cause is before the Court on the defendant Johnson Controls, Inc.'s emergency motion to modify subpoena to John Sposato, Sr. (**docket entry 296**). Having carefully considered the motion, and being fully advised in the premises, the Court finds as follows:

On October 26, 2010, John Sposato, Sr., was served with a trial subpoena for May 9, 2011, at the U.S. District Courthouse in Gulfport, Mississippi. By Amended Scheduling Order of November 29, 2010, the trial was continued to the 3 week trial period beginning September 12, 2011. On August 23, 2011, the trial was reset for September 19, 2011, at the U.S. District Courthouse in Jackson, Mississippi. By Order of August 31, 2011, the testimony of witnesses John Sposato and Stephen Planchard was scheduled for 9:00 a.m. on September 26, 2011, at the U.S. District Courthouse in Gulfport.

Movant Johnson Controls requests that John Sposato, Sr., be ordered to appear on the date scheduled for his testimony without need for further subpoena. The Court finds that the motion is well

taken. Accordingly,

IT IS HEREBY ORDERED that the defendant Johnson Controls, Inc.'s emergency motion to modify subpoena to John Sposato, Sr. **(docket entry 296)** is GRANTED;

FURTHER ORDERED that the subpoena issued to John Sposato, Sr., for the trial setting in the within matter is hereby continued until the rescheduled trial date of 9:00 a.m. on September 26, 2011, at the U.S. District Courthouse in Gulfport, Mississippi;

FURTHER ORDERED that the defendant Johnson Controls shall notify Mr. Sposato of the new date for complying with the subpoena, as well as serve him with a copy of this Order, by registered mail.

SO ORDERED, this the 9th day of September, 2011.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE